

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Independent claim 1 has been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

Furthermore, claim 5 has been amended to overcome the 35 U.S.C. § 112, second paragraph rejection that is discussed below in detail.

II. 35 U.S.C. § 112, Second Paragraph Rejection

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph for being indefinite. Specifically, claim 5 was rejected for reciting "... judges whether or not the data is data that is necessary for" Claim 5 has been amended to clarify the above-mentioned phrase.

As a result, it is respectfully submitted that claim 5 is no longer indefinite and withdrawal of this rejection is respectfully requested.

III. 35 U.S.C. § 103(a) Rejection

Claims 1 and 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Torii et al. (U.S. 2002/0184495), Kershenbaum et al. (U.S. 2002/0184486), and Caronni et al. (U.S. 2003/0133574). These rejections are believed clearly

inapplicable to amended independent claim 1 and claims 3-5 that depend therefrom for the following reasons.

Amended independent claim 1 recites an execution device for executing an application program including classes (each having one or more methods) and including confidentiality information that corresponds to each class, that identifies whether it is necessary for each class to be confidential, and that indicates a level of confidentiality of each class. Further, claim 1 recites that the execution device includes an encryption judgment unit that judges whether an encryption of data that is manipulated by a method is necessary based on whether it is necessary for the class, to which the method belongs, to be confidential, such that the encryption judgment unit judges that the encryption of the data that is manipulated by the method is necessary when the class to which the method belongs is identified as being confidential by the confidentiality information that corresponds to the class to which the method belongs. Moreover, claim 1 recites that, when the encryption judgment unit judges that the encryption of the data that is manipulated by the method is necessary, the encryption judgment unit determines that an encryption method, which has a security strength that corresponds to the level of confidentiality of the class to which the method belongs, is to be used to encrypt the data, wherein the level of confidentiality is indicated by the confidentiality information that corresponds to the class to which the method belongs.

Initially, Applicants note that the above-described 35 U.S.C. § 103(a) rejection relies on paragraphs [0012] and [0062] of Torri for teaching the limitations of the claimed encryption judgment unit. However, it is respectfully submitted that Torri fails to disclose or suggest the above-mentioned distinguishing features related to the encryption judgment unit.

Rather, Torri merely teaches that a user inputs a condition regarding encryption by setting a flag indicating “importance” or “confidential” (see paragraph [0062]). Specifically, Torri teaches that the “flag” is used to determine whether or not data is of high importance, such that data is encrypted if it is determined that the data is of a high importance (see paragraphs [0073]-[0078], [0080] and [0082] and Fig. 2, steps 60 and 70, and Fig. 5).

Thus, in view of the above, it is clear that Torri teaches that a flag is used for determining whether encryption of a piece of data is necessary, such that if the flag indicates that encryption is necessary, then a predetermined encryption method is used to encrypt the data, but fails to disclose or suggest judging that the encryption of the data that is manipulated by the method is necessary when the class to which the method belongs is identified as being confidential by the confidentiality information, such that when it is judged that the encryption of the data that is manipulated by the method is necessary, the encryption judgment unit determines that an encryption method, which has a security strength that corresponds to the level of confidentiality of the class to which the method belongs, is to be used to encrypt the data, wherein the level of confidentiality is indicated by the confidentiality information that corresponds to the class to which the method belongs, as recited in claim 1.

More specifically, although Torri teaches that a flag can be used to indicate whether an encryption method should be used to encrypt a piece of data, Torri still fails to disclose or suggest that, when it is judged that encryption is necessary, determining an encryption method that is to be used to encrypt the data, such that the determined encryption method has a security strength that corresponds to the level of confidentiality of the class to which the method belongs, wherein the level of confidentiality is indicated by the confidentiality information that

corresponds to the class to which the method belongs, as required by claim 1.

In other words, Applicants note that Torii merely teaches that only one factor (i.e., level of importance indicated by a flag) is used in relation to the encryption of data. On the other hand, claim 1 recites that two factors (i.e., whether the class is confidential and a level of confidentiality of the class) are used in relation to the encryption of the data, such that an indication of whether the class is confidential is used to determine whether the data should be encrypted and the level of confidentiality of the class is used to determine what type of encryption is to be used when the data is encrypted. Torii's disclosure of the single factor fails to disclose or suggest the two factors, as required by claim 1.

Additionally, Applicants note that the 35 U.S.C. § 103(a) rejection relies on Kershenbaum for teaching that the application program includes classes that have one or more methods and includes confidentiality information that corresponds to each class, that identifies whether it is necessary for each class to be confidential, and that indicates a level of confidentiality of each class, as recited in claim 1.

However, Kershenbaum merely teaches that permissions are allocated to classes for the purpose of controlling whether each class is permitted to perform a specific action on a specific resource (see paragraph [0059]). Therefore, it is clear that Kershenbaum fails to disclose or suggest that the application program includes classes that have one or more methods and includes confidentiality information that corresponds to each class, that identifies whether it is necessary for each class to be confidential, and that indicates a level of confidentiality of each class, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1

and claims 3-5 that depend therefrom would not have been obvious or result from any combination of Torri, Kershenbaum and Caronni.

Furthermore, there is no disclosure or suggestion in Torri, Kershenbaum and/or Caronni or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Torri, Kershenbaum and/or Caronni to obtain the invention of independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 and claims 3-5 that depend therefrom are clearly allowable over the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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